

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**June 5, 2013**

**Elisabeth A. Shumaker  
Clerk of Court**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

YARON "RONI" LEVIN,

Defendant - Appellant.

No. 13-1146  
(D.C. No. 1:12-CR-00012-PAB-1)

---

**ORDER**

---

Before **LUCERO, O'BRIEN**, and **HOLMES**, Circuit Judges.

---

The government has moved to dismiss this appeal as untimely. In response, appellant's retained counsel has filed a motion to withdraw the appeal.

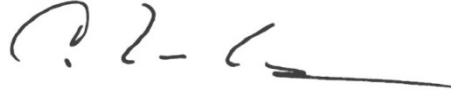
Mr. Levin seeks to appeal from the district court's order of March 8, 2013, finding him mentally incompetent and committing him to the custody of the Attorney General for hospitalization. His notice of appeal was due within 14 days of the entry of the district court's order - on or before March 22, 2013. *See* Fed. R. App. P. 4 (b)(1)(A) (14 days for filing a notice of appeal in a criminal case). It was not filed until April 12, 2013 - outside the 14-day period prescribed by Fed. R. App. P. 4 (b)(1)(A).

Mr. Levin's pro se notice of appeal was untimely. The timeliness requirements of Fed. R. App. P. 4 (b) are inflexible claim processing rules. *See United States v. Garduño*,

506 F. 3d 1287, 1291 (10th Cir. 2007). Accordingly, the government's motion to dismiss is granted.

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Christine Van Coney', with a long horizontal flourish extending to the right.

by: Christine Van Coney  
Counsel to the Clerk